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REMARKS

Applicants respectfully present Claims 1, 3-9, 11-24 for examination in the RCE filed herewith. Claims 1, 9 and 17 have been amended herein to more clearly define the scope of the claimed invention. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated September 7, 2006 in the parent application.

35 U.S.C. §103

Claims 1, 3-6, 9, 11-14 and 17-22 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of U.S. Publication No. 2006/0190586 A1 ("Stewart") in view of U.S. Patent No. 6,160,804 ("Ahmed"). Additionally, Claims 7, 15 and 23 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Stewart in view of Ahmed and in further view of U.S. Publication No. 2004/0037260 ("Kakemizu"). And finally, Claims 8, 16 and 24 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Stewart in view of Ahmed and in further view of U.S. Publication No. 2006/0018296 A1 ("Mukaoka"). Applicants respectfully traverse the Examiner's rejections.

Stewart describes a distributed network communication system to provide wireless access to a computing device at a reduced rate (Stewart, Title) while Ahmed teaches multimedia management for a multimedia mobile network (Ahmed, Title). The Examiner concedes that Stewart does not explicitly disclose the element of "executing the location module to determine whether the mobile node is on an intranet network or an external network separated from the intranet by a corporate demilitarized zone". The Examiner suggests, however, that Ahmed teaches this element and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Stewart with Ahmed to do so. Applicants respectfully disagree.

Applicants respectfully submit that the combination of Stewart and Ahmed does not render Claims 1-30 unpatentable. First and foremost, Applicants submit that Stewart does not teach the elements of the claims suggested by the Examiner. Independent Claims 1, 9 and 17 include the elements of accessing static information from a

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configuration database, accessing dynamic information from the mobile node when the
mobile node starts up, selecting a location module based on the static and dynamic
information and executing the location module to determine whether the mobile node is
on an intranet or an external network separated from the intranet by a corporate
demilitarized zone ("DMZ"). Stewart does not teach or suggest various of these elements
although the Examiner attempts to show otherwise. For example, the Examiner suggests
that paragraphs 9-10, 12-14 and 16-17 essentially teach all elements with the exception of
"executing the location module to determine whether the mobile node is on an intranet
network or an external network separated from the intranet by a corporate demilitarized
zone". Applicants strongly disagree. Paragraphs 9-10, 12-14 and 16-17 of Stewart read
as follows:

"[0009] In one embodiment, a user, also referred to as a subscriber, may access
the network system through a portable computing device (PCD) using, for example, a
wireless (or wired) network interface card. When in sufficiently close range to an access
point, the PCD may wirelessly access the network system, or the PCD may be directly
connected to a wired connection. In one embodiment, the APs are arranged at known
geographic locations and may provide geographic location information regarding the
geographic location of the AP or the mobile user.

[0010] Each PCD may store identification information which may uniquely
indicate at least one network provider of a plurality of possible network providers. The
identification information thus may designate the network provider (or providers) to
which the user of the PCD is a subscriber. The identification information may take
various forms, such as a System ID (SID), MAC ID, or other identification which may be
used to identify the network provider to which the user has subscribed. When the PCD
becomes close to an access point, the PCD may provide the identification information to
the access point.
...

[0012] In one embodiment, the network system may include a memory medium
which stores a list of identification information that maps to a corresponding list of the
plurality of possible network providers. The memory medium may be comprised in one
or more of, or all of, the access points, or may be comprised in one or more other devices
connected to the network, such as a computer system. In this embodiment, determining
the network provider for the portable computing device includes accessing the memory
medium and using the received identification information to determine the network
provider. For example, the access point or other device may use the received System ID
to index into a table to determine the appropriate network provider.

[0013] The memory medium may also store associated access information. For
each of the network providers, the access information may include access methods for
providing user data to the respective network provider, such as a destination IP address of
the network provider. The appropriate access method may be used based on the
identification information and/or the determined network provider. Thus, the
identification information may be used to determine the appropriate provider as well as
be used to automatically route network packets or data from/to that PCD to the
appropriate provider.

[0014] The access information stored on the memory medium may also include
an access level which indicates the user's access rights or privilege level. Thus, the local
network may provide various local resources which are available to all users regardless of

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access level, and users with a higher access level may in addition be entitled to Internet access. In other environments, all users may receive Internet access, and users with a lower access level may not be entitled to view or utilize certain or all local network resources on the network. Thus, depending on the access level, the user may be simply provided solely with external Internet access, or only local network access, or may be provided with no network service. The access level may also possibly depend on the known geographic location of the AP or the user. For example, the access level for each user may vary depending on the known geographic location of the AP to which the user is currently associated.

...

[0016] When the portable computing device communicates with the access point, the network access may be provided to the portable computing device through the determined network provider. For example, the access point may provide the data to a destination based on or specified by the determined network provider, e.g., may provide or route the data to the determined network provider's site, e.g., to equipment provided by the network provider. The network provider may then provide Internet access and/or provide other network services. The network provider will also typically charge a fee for this service. The access point preferably provides the data to the destination in a secure manner to prevent the data from being unintentionally provided to third parties, such as other providers.

[0017] Thus the network system is useable by subscribers of each of the plurality of possible network providers, thereby enabling subscribers to "roam" on various networks, including networks maintained by other providers. For example, the plurality of access points may be maintained by a first network provider, and a subscriber of a second network provider may be recognized and allowed use of the network. Alternatively, the plurality of access points may be maintained by an independent third party, and subscribers of any of various network providers may be recognized and allowed use of the network. Network providers may charge subscribers for access regardless of who operates or maintains the network. In addition, the network system may selectively provide different access levels to network resources depending on the access or privilege level of the user. This allows visitors or non-members of a network system to be allowed certain network services, such as Internet access, without compromising other private network resources."

Stewart, paragraphs 9-10, 12-14 and 16-17

Applicants fail to see how these large sections of Stewart remotely teach or suggest the claimed elements. Applicants respectfully submit that the Examiner's rejections of Claims 1, 3-6, 9, 11-14 and 17-22 are facially deficient because the Examiner has not established a *prima facie* case of unpatentability. As is well-established, in order to establish a *prima facie* case of unpatentability under 35 U.S.C. § 103, the cited prior art combination must disclose every limitation of the claims being rejected. Therefore, if even one claim element or limitation is not disclosed by the combination of references, a *prima facie* case is not established. Additionally, as the Federal Circuit has noted,

"As adapted to *ex parte* procedure, Graham [v. John Deere Co.] is interpreted as continuing to place the 'burden of proof on the Patent Office which requires it to produce

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the <u>factual basis for its rejection</u> of an application under sections 102 and 103." (emphasis added)

In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The Examiner thus has the burden of producing a factual basis for his rejection and for establishing unpatentability by identifying how each recited claim element is allegedly disclosed by the combination of the cited reference. Applicants respectfully submit that the Examiner has failed to establish such a *prima facie* case and has merely provided bare allegations that the combination of these references renders the claims unpatentable. Specifically, with respect to the elements of the claims allegedly taught by Stewart, the Examiner makes no attempt to identify the factual basis for the allegation, but instead points generally to the large amounts of text identified above. In other words, while the Examiner does point to specific paragraphs, the Examiner fails to provide any factual basis to show how the large amount of text above may render the claimed elements obvious. By way of example, the Examiner states that "selecting a location module based on the information" is allegedly taught by Stewart, Paragraphs 12-14 and 16-18. The Examiner does not, however, show any factual basis for this statement and instead appears to simply conclude that these six long paragraphs in fact teach this claim element. Applicants respectfully submit that this general conclusary allegation is woefully inadequate to establish a *prima facie* case of unpatentability. Applicants therefore respectfully submit that the rejection based on any combination of Stewart with Ahmed (with or without other references) is facially deficient for at least this reason.

Even assuming arguendo the Examiner had met his burden of proof, the sections of Stewart highlighted by the Examiner (Stewart, paragraphs 9-10, 12-14 and 16-17), do not appear to be relevant to the claimed elements. Stewart does not disclose "selecting a location module based on the information, wherein the location module comprises an appropriate methodology to dynamically determine the mobile node's location with respect a corporate demilitarized zone ("DMZ"). The location module as used in the claims herein is specifically defined to comprise an appropriate methodology to dynamically determine the mobile node's location with respect a corporate demilitarized zone ("DMZ"). Amended Claims 1, 9 and 17 include this language to further clarify the

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differences between the claimed elements and Stewart. The Examiner concedes that
Stewart does not teach or suggest executing a location module to determine whether the
mobile node is on an intranet network or an external network separated from the intranet
by a corporate DMZ.

The Examiner suggests that Ahmed teaches this element. Applicants strongly
disagree. The section of Ahmed highlighted by the Examiner reads as follows:

> "In a second aspect of the invention, an addressing scheme for a packet-based
> multiaccess mobile communications system, which includes a plurality of mobile user
> stations and a plurality of network nodes, is provided. In such addressing scheme, each
> mobile station is assigned an address which is a combination (preferably, a
> concatenation) of a unique identifier of a network node with which the mobile station is
> currently associated and an identifier of the mobile station. The network node identifiers
> may be uniquely assigned by a network administrator, while the identifiers of the mobile
> stations may, for example, be set to a universal MAC address assigned to the station. The
> address may also include a port identifier which indicates the particular application flow
> associated with the accompanying packets. Similarly, each network node is assigned an
> address which is a combination (preferably, a concatenation) of its network node
> identifier and, preferably, an interface identifier. Since a network node may have links
> with more than one other network node, the interface identifier uniquely identifies the
> link with which the packets are associated. The address may also include a port identifier
> which indicates the particular application flow associated with the accompanying
> packets. This unique addressing scheme is preferably implemented with respect to the
> subnetwork protocol layer."

Ahmed, Col. 4, lines 4-29.

> "Location management techniques according to the invention, for example,
> include tracking and/or locating mobile stations within the system. The invention makes
> use of home and visiting location registers in which information such as mobile station
> addresses, preferably as described above, and/or host names associated with mobile
> stations are stored. Network nodes may query other network nodes to locate mobile
> stations based on such databases. Also, mobile stations themselves update such registers
> to inform them of their current locations. Subsequently, the updated network nodes
> update other network nodes of such location changes. Network nodes also preferably
> include a database containing the address for the home location register of each mobile
> station in the system."

Ahmed, Col. 4, lines 48-60

> "The internode network 108 includes a plurality of network nodes 104
> preferably interconnected with point-to-point wireless links 110. It is to be appreciated
> that each network node 104 serves as both a base station to the mobiles 102 directly
> communicating therewith and as an intermediate router for packets passing therethrough.
> That is, each network node provides wireless access to the mobile terminals and also acts
> as a switch. Some of network nodes are preferably connected via satellite or terrestrial
> links to external networks, e.g., fixed networks (not shown). These nodes have the
> additional functionality of a "gateway" which provides the interworking functions to
> maintain consistency with the protocols used in these external networks. Also, it is
> through the internode network 108 that the system connects with various service
> providers (not shown) capable of providing various multimedia-based services to the
> mobiles 102. Further, some of the network nodes may be airborne. Mobiles may move

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from the coverage area associated with one network node to the coverage area of another network node. Because the network nodes, like the mobile stations, are mobile, the system 100 is characterized by a constantly changing topology.

As mentioned, network nodes are inter-connected with point-to-point wireless links. Also, these nodes are preferably equipped with a topology sensing scheme which enables them to sense the presence of other nodes as they move closer. The nodes use certain rules to select which of their neighboring nodes they should have links with. The idea is to enable nodes to establish links with their nearest neighbors (e.g., in terms of path loss) subject to certain connectivity requirements."

Ahmed, Col. 6, lines 56-VCol. 7, line 19

Once again, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of unpatentability. The Examiner points to these large amounts of text in Ahmed to allegedly show one element of the independent claims. The Examiner fails, however, to make a showing based on any factual basis that these sections of Ahmed in fact teach or suggest the element of "selecting a location module based on the information, wherein the location module comprises an appropriate methodology to dynamically determine the mobile node's location with respect a corporate demilitarized zone ("DMZ")."

Additionally, even assuming arguendo the Examiner had met his burden of proof, the sections of Ahmed highlighted by the Examiner do not teach or suggest the claimed element. Specifically, there is nothing in Ahmed that discloses a location module that comprises an appropriate methodology to dynamically determine the mobile node's location with respect to a corporate DMZ". Ahmed also does not teach or suggest "executing the location module to determine whether the mobile node is on an intranet network or an external network separated from the intranet by a corporate demilitarized zone". There is simply nothing in Ahmed that would render it obvious to one of ordinary skill in the art to select a location module or to execute the location module to determine whether the mobile node is on an intranet network or an external network separated by a corporate DMZ.

In summary, Applicants respectfully submit that the combination of Stewart and Ahmed does not teach or suggest the elements of independent Claims 1, 9 and 17. Similarly, the references cannot render all claims dependant on these independent claims unpatentable. With respect to the remaining rejections, Applicants respectfully submit that since all the rejections are based on a combination of Stewart and Ahmed, at a minimum, these rejections also suffer from the deficiencies described above. More

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specifically, without conceding the propriety of combining Kakemizu and Mukaoka with
Stewart and Ahmed, Applicants respectfully submit that neither of these other references
teaches the elements not taught by Stewart and Ahmed. As a result, the addition of these
other references to Stewart and Ahmed does not overcome the deficiencies discussed
above with respect to independent Claims 1, 9 and 17. Applicants therefore respectfully
request the Examiner to withdraw the rejection to Claims 1, 3-9, 11-24 under 35 U.S.C.
§103.

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CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 3-9, 11-24 are now in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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